

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS**

In Re:

Case No.

v.

Adversary No.

**ORDER ESTABLISHING PROCEDURES FOR  
PREPARATION FOR TRIAL, CONFIRMATION HEARING,  
OR OTHER CONTESTED MATTER<sup>1</sup>**

The court hereby adopts Rule 7016 of the Rules of Bankruptcy Procedure (incorporating Rule 16 of the Federal Rules of Civil Procedure) for this proceeding. All counsel<sup>2</sup> are expected to offer their full cooperation and assistance to fulfill both the substance and spirit of this order.

**I. SCHEDULE**

It is essential that parties adhere to scheduled dates. Because of the scarcity of pretrial conference and trial dates, and in courtesy to counsel in other cases, late changes in scheduling are disfavored. Accordingly, **no extensions will be granted without good cause, and no request for extension should be made less than 14 days before the scheduled dates.**

(A) A Final Pretrial Conference will be held on

at

\_\_\_\_\_

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in chambers, Room

\_\_\_\_\_

☐

in the courtroom

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<sup>1</sup>The words “trial” and “pretrial” used herein shall be deemed to mean “hearing” and “pre-hearing” in the context of a contested matter or confirmation hearing.

<sup>2</sup>Any reference to “counsel” herein shall apply equally to any person unrepresented by counsel.

(B) A Final Pretrial Order is attached to this Order. Materials prepared in compliance with the Final Pretrial Order (“Pretrial Materials”) shall be completed and submitted

G to chambers G in open court on \_\_\_\_\_ (“Submission Date”).

(C) The trial will commence on \_\_\_\_\_, at \_\_\_\_\_, and continue from day to day or as may be set by the court, until completed. **An attorney who is a member of the trial bar under the provisions of Rule 600(B) of the local Bankruptcy Rules of this Court shall participate in the trial.**

## **II. PREPARATION OF FINAL PRETRIAL ORDER**

(A) All instructions contained within the Final Pretrial Order must be followed. The Pretrial Materials will be binding on the parties at the trial. If any counsel believes that any of the instructions allow for any part of the Pretrial Order to be deferred until after the Submission Date, that counsel shall file a motion seeking leave of court for such deferral.

(B) To prepare the Pretrial Materials required for the Final Pretrial Order, counsel for all parties are directed to meet in order to (1) reach any possible stipulations narrowing the issues of law and fact, (2) deal with non-stipulated issues in the manner stated in this paragraph, and (3) exchange copies of documents that will be offered in evidence at the hearing.

(C) Counsel’s meeting shall be held sufficiently in advance of the Submission Date to permit thorough preparation of the Pretrial Materials.

(D) At or before the meeting, counsel for each party shall furnish all other counsel with a Statement of the Issues As To Which the Party Will Offer Evidence. The Statement will (1) eliminate any issues that appear in the pleadings about which there is no controversy, and (2) include all issues of law as well as ultimate issues of fact from the standpoint of each party.

(E) Any motions requiring determination in advance of trial (including, without limitation, motions *in limine*, dispositive motions, partially dispositive motions, and disputes over the admissibility of any evidence at trial upon which the parties desire to present authorities and argument to the court) shall be specifically called to the court’s attention not later than the Submission Date.

### **III. FINAL PRETRIAL CONFERENCE**

At the Final Pretrial Conference, each party shall be represented by the attorneys who will try the case (unless before the conference the court grants permission otherwise). All attending attorneys will come to the conference with full authority to accomplish the purposes of Fed. R. Civ. P. 16(d).

### **IV. DOCUMENTS PROMULGATED WITH THIS ORDER**

Appended to this Order are the following:

- (A) a form of Final Pretrial Order;
- (B) a form for use as Schedule of Exhibits for the Final Pretrial Order; and
- (C) guidelines for preparing proposed findings of fact and conclusions of law.

If, after reasonable effort, any party cannot obtain the cooperation of other counsel, it shall be that party's duty to advise the court of this fact by motion. Any person or party who has not participated in good faith in the procedures set forth herein may be subject to sanctions, and, in addition, may have its pleadings stricken and be barred from participation in the trial.

ENTER:

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Judge

Dated: \_\_\_\_\_

Form Order No. 11

## Schedule of Exhibits<sup>1</sup>

1. The following exhibits were offered by plaintiff, received in evidence and marked as indicated:

*[State identification number and brief description of each exhibit.]*

2. The following exhibits were offered by plaintiff and marked for identification. Defendant objected to their receipt in evidence on the grounds stated:<sup>2</sup>

*[State identification number and brief description of each exhibit. Also, state briefly the ground of objection, such as competency, relevancy or materiality, and the provision of Fed. R. Evid. relied upon. Also state briefly plaintiff's response to the objection, with appropriate reference to Fed. R. Evid.]*

3. The following exhibits were offered by defendant, received in evidence and marked as indicated:

*[State identification number and brief description of each exhibit.]*

4. The following exhibits were offered by defendant and marked for identification. Plaintiff objected to their receipt in evidence on the grounds stated:<sup>3</sup>

*[State identification number and brief description of each exhibit. Also, state briefly the ground of objection, such as competency, relevancy or materiality, and the provision of Fed. R. Evid. relied upon. Also state briefly plaintiff's response to the objection, with appropriate reference to Fed. R. Evid.]*

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<sup>1</sup>As in the Final Pretrial Order form, references to “plaintiff” and “defendant” are intended to cover those instances where there are more than one of either.

<sup>2</sup>Copies of objected-to exhibits should be delivered to the court with this Order, to permit rulings *in limine* where possible.

<sup>3</sup>See footnote 2.

## **GUIDELINES FOR PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- (1) Plaintiff shall first serve and file proposed findings and conclusions. Each defendant shall then serve and file answering proposals.
- (2) Plaintiff's proposals shall include (a) a narrative statement of *all facts* proposed to be proved, and (b) a concise statement of plaintiff's legal contentions and the authorities supporting them:
  - (a) Plaintiff's narrative statement of facts shall set forth in simple declarative sentences all the facts relied upon in support of plaintiff's claim for relief. It shall be complete in itself and shall contain no recitation of any witness' testimony or what any defendant stated or admitted in these or other proceedings, and no reference to the pleadings or other documents or schedules as such. It may contain references in parentheses to the names of witnesses, depositions, pleadings, exhibits or other documents, but no party shall be required to admit or deny the accuracy of such references. It shall, so far as possible, contain no pejoratives, labels or legal conclusions. It shall be so constructed, in consecutively numbered paragraphs (though where appropriate a paragraph may contain more than one sentence), that each of the opposing parties will be able to admit or deny each separate sentence of the statement.
  - (b) Plaintiff's statement of legal contentions shall set forth all such plaintiff's contentions necessary to demonstrate the liability of each defendant to such plaintiff. Such contentions shall be separately, clearly and concisely stated in separately numbered paragraphs. Each paragraph shall be followed by citations of authorities in support thereof.
- (3) Each defendant's answering proposals shall correspond to plaintiff's proposals:
  - (a) Each defendant's factual statements shall admit or deny each separate sentence contained in the narrative statement of fact of each plaintiff, except in instances where a portion of a sentence can be admitted and a portion denied. In those instances, each defendant shall state clearly the portion admitted and the portion denied. Each separate sentence of each defendant's response shall bear the same number as the corresponding sentence in the plaintiff's narrative statement of fact. In a separate portion of each defendant's narrative statement of facts, such defendant shall set forth all affirmative matter of a factual nature relied upon by such defendant, constructed in the same manner as the plaintiff's narrative statement of facts.
  - (b) Each defendant's separate statement of proposed conclusions of law shall respond directly to plaintiff's separate legal contentions and shall contain such additional contentions of the defendant as may be necessary to demonstrate the non-liability or limited liability of the defendant. Each defendant's statement of legal contentions shall be constructed in the same manner as is provided for the similar statement of each plaintiff.